



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3660

by Rep. Norine Hammond - Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

720 ILCS 570/201.5 new

Amends the Illinois Controlled Substances Act. Provides that at least every 90 days, and in consultation with the Department of State Police Division of Forensic Services and the State Board of Pharmacy of the Department of Financial and Professional Regulation, the Department of Human Services shall send official correspondence to the Governor, Attorney General, and the General Assembly describing whether the Department of Human Services has identified any new chemical formulas that are used to make synthetic cannabinoids or cathinones (synthetic drugs) that are not currently illegal under State law. Provides that to identify new chemical formulas, the Department shall routinely communicate with the Department of State Police Division of Forensic Services, the United States Drug Enforcement Administration, the United States Office of National Drug Control Policy, and the Scientific Working Group for the Analysis of Seized Drugs (SWDRUG), and other state boards that schedule controlled substances. Provides that if the Department's official correspondence to the Governor, Attorney General, and General Assembly confirms that the Department has identified new chemical formulas that are used to make synthetic drugs, the Department shall immediately propose an emergency rule to add any new chemical formulas to the current list of chemical formulas that are listed in the Act as scheduled controlled substances, and adopt the proposed rule as quickly as allowed for under the Department's notice and public comment rules. Provides that if the Department adopts the emergency rule, the rule shall take effect as quickly as allowed under the Illinois Administrative Procedure Act, and the new rule shall have the force of law under the Act. Provides that any emergency rule adopted under this provision shall be inoperative 12 months from the date that the emergency rule becomes effective, or when the General Assembly by law takes action to ratify, change, or reject the emergency rule adopted by the Department. Provides that nothing in these provisions shall interfere with the exemptions provided for under State law to any person or entity that possesses a chemical formula defined as a scheduled controlled substance for a lawful purposes.

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A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by adding Section 201.5 as follows:

6 (720 ILCS 570/201.5 new)

7 Sec. 201.5. Emergency rules; schedules.

8 (a) At least every 90 days, and in consultation with the
9 Department of State Police Division of Forensic Services and
10 the State Board of Pharmacy of the Department of Financial and
11 Professional Regulation, the Department of Human Services
12 shall send official correspondence to the Governor, Attorney
13 General, and the General Assembly describing whether the
14 Department of Human Services has identified any new chemical
15 formulas that are used to make synthetic cannabinoids or
16 cathinones (synthetic drugs) that are not currently illegal
17 under State law. To identify new chemical formulas, the
18 Department shall routinely communicate with the Department of
19 State Police Division of Forensic Services, the United States
20 Drug Enforcement Administration, the United States Office of
21 National Drug Control Policy, and the Scientific Working Group
22 for the Analysis of Seized Drugs (SWDRUG), and other state
23 boards that schedule controlled substances.

1 (b) If the Department's official correspondence to the
2 Governor, Attorney General, and General Assembly confirms that
3 the Department has identified new chemical formulas that are
4 used to make synthetic drugs, the Department shall immediately
5 propose an emergency rule to add any new chemical formulas to
6 the current list of chemical formulas that are listed in this
7 Act as scheduled controlled substances, and adopt the proposed
8 rule as quickly as allowed under the Department's notice and
9 public comment rules. If the Department adopts the emergency
10 rule under this subsection, the rule shall take effect as
11 quickly as allowed under the Illinois Administrative Procedure
12 Act, and the new rule shall have the force of law under this
13 Act.

14 (c) Any emergency rule adopted under this Section shall be
15 inoperative 12 months from the date that the emergency rule
16 becomes effective, or when the General Assembly by law takes
17 action to ratify, change, or reject the emergency rule adopted
18 by the Department.

19 (d) Nothing in this Section shall interfere with the
20 exemptions provided for under State law to any person or entity
21 that possesses a chemical formula defined as a scheduled
22 controlled substance for a lawful purposes.